

STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair Hearing No. 16,308
)	
Appeal of)	
)	

INTRODUCTION

The petitioner appeals the decisions by the Department of Social Welfare denying his applications for ANFC and Food Stamps. The issue is whether the petitioner's income exceeds the allowable maximums for those programs.

FINDINGS OF FACT

1. The petitioner is the single parent of two young children.
2. The petitioner works full time and has gross earnings of \$ 1,849 a month. He also gets health insurance through his employer.
3. The petitioner receives a child care subsidy through the Department of Social and Rehabilitation Services that covers part of his child care expenses. He pays the remainder (about \$110 a week) out of pocket.

4. The Department determined that the petitioner is ineligible for ANFC and Food Stamps because his gross income exceeds the maximums allowable under those programs.

ORDER

The Department's decisions is affirmed.

REASONS

The Food Stamp regulations provide that as an initial criterion of eligibility a household's gross monthly income, without any deductions (including childcare expenses), must be below 130 percent of the Federal poverty level. Food Stamp Manual (FSM) § 273.9(a).¹ For a household of three persons that amount is \$1,479 a month. As noted above, the petitioner's gross income (\$1,849) is well in excess of this amount.

For ANFC, the regulations also impose an initial eligibility gross income test with only a \$90 "standard employment expense" allowed as a deduction. WAM § 2240.1. The household's gross income is then compared to the Total Need Requirements and maximum shelter expenses set by the regulations. For a household of three, the basic needs

¹ Households containing an elderly or disabled member have their gross income compared to 165 percent of poverty.

allowance for a household of three is \$810 a month. WAM § 2245.2. The maximum allowable shelter expense is \$450 a month. WAM § 2245.3. As noted above, the petitioner's income (\$1,849), even after the \$90 standard employment expense deduction (\$1,759), is well in excess of the combined basic needs and shelter allowances (\$1,260).

The petitioner's childcare expenses certainly place a strain on his finances. Unfortunately, however, those expenses cannot be considered in the initial eligibility tests for ANFC and Food Stamps. Inasmuch as the Department's decisions in this matter are in accord with the pertinent regulations the Board is bound by law to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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